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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,244	09/27/2001	Kevin Dotzler	09752-135001	5162

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EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/966,244	<b>Applicant(s)</b> DOTZLER, KEVIN	
	<b>Examiner</b> George Eng	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Gligoric (US PAT. 6,751,316) in view of McNell et al. (US PAT. 6,671,371 hereinafter McNell).

Regarding claim 1, Gligoric discloses a method of operating a telephone circuit (1, figure 2) comprising the step of determining whether a headset (7, figure 2B) is connected to the telephone circuit (col. 2 lines 37-52), wherein a headset microphone (13, figure 2B) and a handset microphone share a bias circuit (21, figure 2A and col. 2 lines 8-19). Gligoric differs from the claimed invention in not specifically teaching the step of disconnecting the handset microphone when the headset microphone is connected. However, McNell teaches a headset relay switch detector including a headset/handset relay for disconnecting a handset microphone when a headset microphone is connected in order to make user friendly by making the headset adapter installation process to be more intuitive and less time consuming (col. 12 lines 26-54). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gligoric in having the step of disconnecting the handset

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microphone when the headset microphone is connected, as per teaching of McNell, because it makes user friendly.

Regarding claims 2-3, McNell discloses the step of disconnecting the handset microphone by opening a single pole, single throw switch (505, figure 6).

Regarding claim 4, Gligoric discloses the step of detecting a bias current to determine whether the headset microphone is connected (col. 2 lines 37-40).

Regarding claims 5-6, Gligoric discloses the headset microphone being a first microphone and the handset microphone being a second microphone (figure 2).

Regarding 7, McNell teaches the step of connecting the handset microphone to the telephone circuit when the headset microphone is disconnected (col. 6 lines 32-34).

Regarding claim 8, Gligoric teaches the step of determining the connection status of the headset depending upon bias current (col. 2 lines 37-40), as well as McNell (col. 5 lines 38-59).

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claims 2-3.

Regarding claims 11-12, the limitations of the claims are rejected as the same reasons set forth in claims 5-6.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claim 8.

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Choi (US 2003/0104842) discloses a hands-free speakerphone device for mobile terminal (abstract).

Guccione et al. (US 2003/0002644) discloses a method for monitoring a microphone bias current on a microphone input to activate a call pod during a call ([0013] through [0015]).

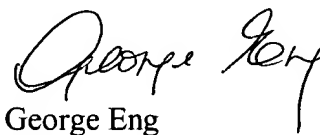
Gancarcik (US PAT. 5,832,075) discloses an event detector for a headset connected to a telephone (abstract).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "George Eng".

George Eng  
Primary Examiner  
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